



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#11
Response
S Davis
10/2/03

In re Application of:) Group Art Unit: 2859
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REISKER et al.)
)
Filed: February 5, 2002) Examiner: SHRIVASTAV, Brij B.
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Serial No.: 10/068,300)
)
Confirmation No. 9757) Docket No.: MR/98-003.C
)
For: COIL STRUCTURE WITH TAPERED)
MEMBERS FOR IMPROVED)
HOMOGENEITY IN MRI) Date: September 16, 2003

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RESPONSE TO RESTRICTION AND ELECTION REQUIREMENTS

Sir:

In an Office Action mailed June 18, 2003, the Examiner alleged that the application contains claims directed to two inventions. Specifically, on page 2 of the Office Action, the Examiner stated that:

1. Restriction to one of the following inventions is required under 35. U.S.C. 121:
 - I. Claims 18-36, 45-81 and 91-93 are drawn to a coil or coil array for use with magnetic resonance imaging, classified in class 324, subclass 318.
 - II. Claims 37-44 and 82-90 are drawn to designing a coil capable of exhibiting a homogeneous magnetic field, classified in class 335, subclass 299.

In addition, the Examiner stated that should the Group I claims be selected for examination, an election of species must be made because that group of claims allegedly contains claims directed to more than one species of invention. Specifically, the Examiner stated, in pertinent part, that:

3. If applicant elects Group I, the following patentably distinct species deemed proper.

Response To Restriction And Election Requirements

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4. This application contains claims directed to the following patentably distinct species of the claimed invention:

1. Claims 18-36, 46-60, 62-76, 77-81.
2. Claims 45, 91-93.
3. Claim 61.

5. Applicant is required under 35 U.S.C. §121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim(s) are deemed generic.

* * *

7. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. §1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. M.P.E.P. §809.02(a).

Below, Applicants formally respond to the requirements for restriction and election.

I. Formal Response to the Restriction and Election Requirements

Formally responding to the restriction requirement, Applicants choose to restrict the application to the Group I claims with traverse for the reasons specified in the Remarks section below.

Furthermore, as the restriction pertains to the Group I claims, Applicants provisionally elect with traverse to prosecute the claims directed to Species 1. In other words, Applicants elect to prosecute claims 18-36, 46-60, 62-76 and 77-81. Claims 18, 32, 46, 62 and 77 are the independent claims in this species. Be advised that claim 46 is also generic to Species 3 of the invention, i.e., to claim 61. In the Remarks section below, Applicants set forth their arguments in support of the traversal of the election requirement.